

December 20, 2023

Michaelle Poore, PA
Post Office Box 850
118 Elk Street
Newland, North Carolina 28657

Dear Ms. Poore:

I hope this letter finds you well.

I am writing on behalf of the Chair of the Avery County Board of Education to ensure that your client, the Avery County Board of Commissioners, has no current concerns regarding recent unsupported allegations of malfeasance made against certain employees and Board members of the Avery County Schools.

As you known, as Board Attorney, I take my responsibility very seriously and my ethical obligations extend to the school system as a whole and not to any particular individual. To date, numerous allegations and insinuations have been leveled without factual support from persons having no direct association with the school district. It is unclear if the allegations originate from a group since no one else has come forward at this point.

Below is a brief summary of the allegations and school district responses.

Issues Raised Before the County Commission on December 4, 2023:

- 1) Salaries of individual employees depend on whether they are certified (i.e., licensed) or non-certified, their years of experience, and placement on relevant pay scales. In addition, employees are often transferred voluntarily to address working conditions and the change in duties can affect pay (positively or negatively) and/or contract terms. Setting salaries often involves consultation with NCDPI on how to appropriately apply each factor and give credit for service related to previous employment. When a school district receives additional direction from the State or discovers that data is incorrect or incomplete, salaries are corrected. As should be true with any organization, if ACS realizes that a previous employee made a mistake regarding an employee's pay issues, those issues are corrected.
- 2) Covid "relief" monies originate from numerous pots with differing restrictions and deadlines for expenditure. "ESSER monies" is often used as a catch phrase encompassing all such aid. However, revenues, expenditures, and balances must be analyzed fund by fund. The State's reporting of such expenditures lags behind local

reporting. Data on the ACS website is more current than data available through the State.

- 3) School districts across our State did, and do, the following:
 - a. Used covid relief funds to hire individuals to address covid issues.
 - b. Did not use covid relief funds or fund balance to give across-the-board raises since those revenues are one-time monies and such an expenditure is recurring.
 - c. Periodically extend the contract of the Superintendent and/or provide additional compensation related to job performance and/or COLA. Such actions are reduced to contract amendments and available to the public upon request.
- 4) For the start of the 2023-24 school year, ACS provided individual schools with a combined total of over \$113,000 in money for instructional supplies.
- 5) All recent audits have been clean and are publicly available.

Issues Raised Before the Board of Education on December 12, 2023:

- 1) The son of the Superintendent was an employee of Mark III benefits provider from July 2020 to January 2022 serving as an hourly-paid accounts manager in Tennessee. The account manager for Avery County Schools was Mrs. Andria Jones and the sales rep was Mr. Bruce Raper. Dr. Brigman's son was NOT employed with Mark III at the time services were proposed to ACS by multiple companies and reviewed by a committee in February of 2022. Dr. Brigman removed himself from the process and notified the committee of his son's former employment as an hourly worker with Mark III. This company, Mark III, was selected by the Committee and recommended to the Board by Committee Chair Dennis Brown. They have provided exemplary service to the employees of the Avery County Schools.
- 2) The Superintendent's other son did sell two metal storage units to the school district in Laurens County Georgia which were 1) part of an abandoned plan for him to build a "tiny house", and 2) needed by the school district to help facilitate the moving of three schools. Dr. Brigman totally removed himself from the process and allowed the facilities director to decide if the units were needed, inspect the units, and negotiate a price. This process was cleared with the Board Chair and Board legal counsel. These facts demonstrate how offensive such allegations are to Dr. Brigman and his family when offered in a public meeting as "accusations" and proof of a "pattern of misconduct" rather than simply asked as questions directly of Dr. Brigman or the Board Chair or Vice Chair. When known falsehoods are made with malicious intent regarding a public official, such actions are defamatory.
- 3) At all times, the Board of Education has been notified as required by law regarding the employment of direct family members. Many of our rural school clients employ

multiple family members simply because the applicant pool is smaller and the calling to educate runs in families. Or as I said at the School Board meeting, "educators fall in love." The General Assembly has approved such hiring in line with legal requirements, including the spouse of the Superintendent. Board meeting materials show the recusal of Mr. Greene regarding his wife's employment. The law requires the hiring in "open session" but does not require a separate vote on a specific individual. The usual process of voting on a combined employment list is adequate. In the future, although not required by law, I will recommend that employees hired under the policy addressing nepotism should be specifically listed in the Board of Education minutes with relevant recusals listed to provide the public with explicit notice.

This letter follows thirteen (13) separate public records request involving the production of over 20,000 pages of documents. Again, all allegations of wrongdoing or misconduct supported by facts that can be investigated will be investigated. However, mere insinuations of wrongdoing without factual support offered as "possible proof" of misconduct are inappropriate, can be defamatory, and divert the administration and Board of Education from the primary mission of educating the children of Avery County. A campaign of "where there is smoke, there is fire" which lacks even a whiff of smoke is simply an exercise in being incendiary in the worst way possible. Questions should not be "raised" to sow doubt, they should be "asked" so they can be answered.

To the point, if Commissioners have any concerns, please do let me know so that facts can be provided. Chairman Greene asks that this letter be provided to each Commissioner and the County Manager. On behalf of the Board of Education, he wants to thank the Commissioners for all they do and wish everyone a wonderful Christmas and Holiday Season.

Very truly yours,

CAMPBELL SHATLEY, PLLC

A handwritten signature in black ink, appearing to read 'CZC', with a long horizontal line extending to the right.

Christopher Z. Campbell
Board Attorney

CZC:pjl

cc: Board of Education
Superintendent Dan Brigman